

**NOTICE OF PROCEDURAL GUIDELINES SECTION C(2) RULING**

Austin Energy files this Notice of Procedural Guidelines Section C(2) Ruling in response to the following Requests for Information (“RFIs”)<sup>1</sup>:

- Sierra Club and Public Citizen (“SCPC”) 5-1(d)

Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § C(2)(a), no confidential materials should be involved in any filings. Austin Energy relied on information in compiling its Rate Filing Package that includes competitive matters under Texas Government Code Section 552.133 and/or critical infrastructure matters under Texas Government Code Section 418.181 and cannot be provided to the public. Further, pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § C(2)(b), no personally identifiable information, including but not limited to social security numbers, driver’s license numbers, account numbers, account usage data, or any other data that might compromise a person’s privacy, should be included in any filings. Pursuant to the 2022 Austin Energy Base Rate Review Procedural Guidelines § G(1)(a), the Impartial Hearing Examiner does not have the authority to issue protective orders.

The City of Austin Law Department has reviewed the RFIs listed above and determined that responsive Austin Energy information is considered confidential competitive information which Austin Energy cannot legally disclose.

Any party seeking further relief may submit a formal Texas Public Information Act request to Austin Energy at [public.information@austintexas.gov](mailto:public.information@austintexas.gov). Austin Energy will then seek a ruling from the Texas Attorney General. Please see the [City of Austin’s Public Records Center](#) for more information about how to make a Public Information Act request.

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<sup>1</sup> See Appendix A.

Respectfully submitted,

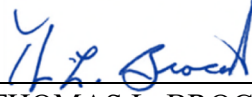
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**ATTORNEYS FOR THE CITY OF AUSTIN  
D/B/A AUSTIN ENERGY**

## **Appendix A – RFI Requests**

- SCPC 5-1: For Fayette, state whether Austin Energy has included or proposes to include in the current 2021 test year base any costs associated with compliance with the Coal Combustion Residuals Rule, 40 C.F.R. Part 257, as amended by 30 Tex. Admin. Code Chapter 352 (“CCR Rule”), or the Effluent Limitations Guidelines Rule, 40 C.F.R. Part 423 (“ELG Rule”).
- d. Please provide all economic analyses and projections of the cost of complying with the CCR or ELG Rules, including but not limited to all studies evaluating retirement or replacement alternatives.